

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the Examiner Interview conducted on October 16, 2007.

#### **Disposition of Claims**

Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135, 141, and 142 were pending in this application. Claims 143-144 have been newly added by this reply. Claims 1, 51, and 141 are independent. The remaining claims depend, directly or indirectly, from claims 1, 51, and 141.

#### **Claim Objections**

Claims 5 and 58 are objected to for minor informalities. Claims 5 and 58 have been amended to correct the typographical errors in accordance with the Examiner's suggestions. Accordingly, withdrawal of these objections is respectfully requested.

#### **Claim Amendments**

Independent claims 1, 51, and 141 have been amended to recite that one of *only* audio access and *only* visual access is prohibited by the receiver/decoder, as discussed with the Examiner during the Examiner Interview conducted on October 16, 2007. Support for this amendment may be found, for example, at least on pages 24 and 32 of the Specification. No new subject matter is added by way of these amendments.

**Rejections under 35 U.S.C. § 112**

Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-78, 110-114, 116, 119, 127, 131, and 135 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that claims 1 and 51 recite “receiving” a mosaic, which is not supported by the Specification. In accordance with the Examiner’s suggestion on page 3 of the Action mailed August 9, 2007, independent claims 1 and 51 have been amended to recite “creating” a mosaic, which is supported at least on page 2, lines 23-24 of the Specification. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 103**

Claims 1-8, 15, 16, 28-30, 35, 38, 51-56, 76-78, 83, 85, 86, 111, 112, 114, 131, 135, and 141 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,594,509 (“Florin”) in view of US Patent No. 5,594,794 (“Eyer”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness “...the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (See MPEP §2143.03). Further, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (See MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of amended independent claims 1, 51, and 141.

Turning to the rejection of the claims, as discussed with the Examiner during the Examiner Interview of October 16, 2007, the independent claims have been amended to recite that one of *only*

audio access and *only* visual access is prohibited by the decoder when complete access rights are not received for a program displayed in the mosaic. As admitted by the Examiner on page 5 of the Action mailed on August 9, 2007, both Florin and Eyer teach a *preview* of a pay-per-view program. As discussed during the Examiner Interview of October 16, 2007, and agreed to by the Examiner, a preview, by definition, is simply a short version of a complete program – with both visual and audio access permitted during the preview. A preview does not, by definition, prohibit one of only audio access and only visual access, as required by the amended independent claims. Nowhere in either Florin or Eyer is it taught that upon a determination that complete access rights are not received, either only audio OR only video is permitted for the program for which complete access rights are not yet received.

In view of the above, it is clear that the Florin and Eyer, whether considered separately or in combination, fail to render amended independent claims 1, 51, and 141 obvious. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and further in view of U.S. Patent No. 5,874,936 (“Berstis”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin and Eyer fail to teach the limitations of independent claims 1 and 51. Further, Berstis fails to supply that which Florin and Eyer lack, as evidenced by the fact that the Examiner relies on Berstis solely for the purpose of teaching a “automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active,” where the cursor is

repositioned either immediately or after a predetermined length of time (*see* Action mailed August 9, 2007, page 12).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, and Berstis, whether considered separately or in combination. Further, dependent claims 9, 10, 57, and 58 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, 61, and 142 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin and Eyer, and further in view of U.S. Publication No. 2003/0101452 ("Hanaya"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin and Eyer fail to teach the limitations of independent claims 1 and 51. Further, Hanaya fails to supply that which Florin and Eyer lack, as evidenced by the fact that Hanaya is relied upon solely for the purpose of teaching changing attributes of a cursor depending on the characteristic of a program/channel displayed in a window over which the cursor is positioned (*see* Action mailed August 9, 2007, page 13).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, and Hanaya, whether considered separately or in combination. Further, dependent claims 11, 13, 59, 61, and 142 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14 and 110 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Hanaya and further in view of US. Patent No. 5,809,204 ("Young"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Hanaya fail to teach the limitations of independent claims 1 and 51. Further, Young fails to supply that which Florin, Eyer, and Hanaya lack, as evidenced by the fact that Young is relied upon solely for the purpose of teaching receiving data for assigning the characteristic from a remote control handset (*see* Action mailed August 9, 2007, page 16).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Hanaya, and Young, whether considered separately or in combination. Dependent claims 14 and 110 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17, 18, 65, 119, and 127 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and further in view of US Patent No. 5,903,314 ("Nijima"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin and Eyer fail to teach the limitations of independent claims 1 and 51. Further, Nijima fails to supply that which Florin and Eyer lack, as evidenced by the fact that the Examiner relies on Nijima solely for the purpose of teaching a "receiving data by communicating with a communications center to obtain information regarding the program displayed in the mosaic window" and "the relative positions of windows of the mosaic formation

are controlled in response to received positioning data for controlling relative positions of windows within the mosaic formation” (*see* Action mailed August 9, 2007, pages 17-18).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, and Niijima, whether considered separately or in combination. Further, dependent claims 17, 18, 65, 119, and 127 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Niijima, and further in view of WO 96/37996 (“Townsend”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Niijima fail to teach or suggest the limitations of independent claims 1 and 51. Further, Townsend fails to supply that which Florin, Eyer, and Niijima lack, as evidenced by the fact that Townsend is relied upon solely for the purpose of teaching dialing up the communications center to supply a request for information about a displayed program and receiving access rights from a remote control handset associated with the decoder (*see* Action mailed August 9, 2007, page 19).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Niijima, and Townsend, whether considered separately or in combination. Dependent claim 19 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, and 113 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and Young. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin and Eyer fail to teach or suggest the limitations of amended independent claims 1 and 51. Further, Young fails to supply that which Florin and Eyer lack, as evidenced by the fact that for rejecting claims 20 and 113, Young is used by the Examiner solely for the purpose of teaching a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Action mailed August 9, 2007, page 20). With respect to claims 22, the Examiner relies on Young solely for the purpose of teaching a forthcoming schedule and the textual display of program schedule information (*see* Action mailed August 9, 2007, pages 20-21).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, and Young, whether considered separately or in combination. Dependent claims 20, 22, and 113 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and Young and further in view of US Patent No. 5,815,145 ("Matthews"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Young teach the limitations of amended independent claims 1 and 51. Further, Matthews fails to supply that which Florin, Eyer, and Young lack, as evidenced by the fact that the Examiner relies on Matthews solely for the purpose of

teaching a forthcoming schedule with pictorial images, and that the pictorial images comprise video footage (*see* Action mailed August 9, 2007, page 21).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Young, and Matthews whether considered separately or in combination. Dependent claims 23 and 27 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 31, 33, 36, 56, 79, 84, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Young, and Matthews. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Young teach the limitations of amended independent claims 1 and 51. And again, the Examiner relies on Matthews solely for the purpose of teaching specific details recited in the various rejected dependent claims, such as a picture displayed in the window instead of at least the portion of video, that the picture comprises an image associated with the program displayed in the mosaic, that the further video information is promotional video information (*see* Action mailed August 9, 2007, pages 22-23).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Young, and Matthews, whether considered separately or in combination. Dependent claims 31, 33, 36, 56, 79, 84, and 116 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.



Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Matthews, and further in view of US Patent No. 5,663,757 ("Morales"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Matthews teach the limitations of amended independent claims 1 and 51. Further, Morales fails to supply that which Florin, Eyer, and Matthews lack, as evidenced by the fact that the Examiner relies on Morales solely for the purpose of teaching that a picture comprises a logo associated with a channel displayed in the mosaic window (*see* Action mailed August 9, 2007, page 24). Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Matthews, and Morales, whether considered separately or in combination. Dependent claims 32, 80, and 81 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and further in view of US Patent No. 5,978,649 ("Kahn"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin and Eyer teaches the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Florin and Eyer lack, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of teaching generating a message due to lack of access rights when a cursor is on a channel (*see* Action mailed August 9, 2007, page 25). Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, and Kahn, whether considered separately or in combination. Dependent claims 37 and 85 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**New Claims**

Claims 143 and 144 have been newly added by this reply. Support for the newly added claims may be found, for example, at least on pages 28 and 32, and in Figures 9-11 of the Specification. No new subject matter is added by way of these amendments.

Dependent claims 143 and 144 specifically recite that the when access rights are not received for a program displayed in the mosaic within the predetermined length of time, the window with the program to which access rights are not received is *blacked out*. Applicant respectfully asserts that none of the above-cited references teach or suggest blacking out one of several programs displayed in a mosaic formation when access rights are not received after a predetermined length of time.


Thus, favorable consideration of the newly added dependent claims is respectfully requested.

## Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

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Respectfully submitted,

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